

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

SHARON SHOWALTER

Plaintiff,

vs.

WAL-MART STORES EAST, LP

Defendant.

*
* **NOTICE OF REMOVAL FROM**
* **THE CIRCUIT COURT FOR**
* **CHARLES COUNTY, MD**
* **CASE NO. C-08-CV-20-000377**
*
* **CIVIL ACTION NO. _____**
*

PETITION FOR REMOVAL

Pursuant to 28 U.S.C., Section 1441(a), the Defendant, Wal-Mart Stores East, LP, notices the removal of the above-captioned matter to this Honorable Court from the Circuit Court for Charles County, Maryland, and as grounds therefor states as follows:

1. On or about June 1, 2020, Defendant, Wal-Mart Stores East, LP, was served with a Summons and Complaint in an action commenced by the Plaintiff, Sharon Showalter, in the Circuit Court for Charles County, Maryland as Docket No. C-08-CV-20-000377. True and correct copies of the Summons and Complaint are attached hereto as "Exhibit A." Defendant filed an Answer, which is attached hereto as "Exhibit B."

2. Defendant, Andre Grigsby, was served on or about June 8, 2020. Andre Grigsby consents to the relief requested herein. No further proceedings have taken place in this action.

3. This Notice of Removal is filed within thirty (30) days of receipt of service by Defendants and, therefore, is timely filed pursuant to 28 U.S.C., Section 1446(b).

4. Pursuant to the Federal Rules of Civil Procedure, the Petitioners filed a Notice of Removal in the Circuit Court for Charles County on June 29, 2020. Copies of Defendants' Notice of Removal is attached hereto and incorporated herein by reference as "Exhibit C."

DeCARO, DORAN,
SICILIANO, GALLAGHER,
& DeBLASIS, LLP

17251 MELFORD BLVD.
SUITE 200
BOWIE, MARYLAND 20715
TELEPHONE: (301) 352-4950
FAX: (301) 352-8691

3930 WALNUT STREET
SUITE 250
FAIRFAX, VIRGINIA 22030
TELEPHONE: (703) 255-6667
FAX: (703) 299-8548

5. In her Complaint, Plaintiff Sharon Showalter seeks judgment against Defendants in an amount in excess of Seventy-Five Thousand Dollars (\$75,000) in compensatory damages, plus interest and costs.

6. Pursuant to 28 U.S.C. §§ 1441 and 1332, complete diversity of citizenship is established as follows:

- a. At the time of commencement of this action, Plaintiff was a resident of the state of Maryland.
- b. At the time of commencement of this action, and at all other times relevant to the subject proceeding, Defendant, Wal-Mart Stores East, LP's principal place of business is Bentonville, Arkansas, and is incorporated in the State of Delaware.
- c. The Defendant Andre Grigsby is a Maryland resident. However, Andre Grigsby has been fraudulently joined in this matter as there is no possibility of establishing, under Maryland law, the causes of action pled against him. There is no possibility of establishing that Mr. Grigsby breached any personal duty to the Plaintiff. Mr. Grigsby was named as a Defendant solely to defeat diversity jurisdiction. A Motion to Dismiss for Fraudulent Joinder on behalf of Defendant Grigsby is being filed contemporaneously with this Petition. Defendant fully incorporates Defendant's Motion to Dismiss and Memorandum in support thereof as though fully stated herein.

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& DeBLASIS, LLP

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7. As this is a civil action wherein the amount in controversy exceeds \$75,000, exclusive of interest and costs, this Honorable Court has diversity of jurisdiction over this matter pursuant to 28 U.S.C., Section 1332.

8. By reason of the foregoing, removal is proper pursuant to 28 U.S.C. § 1441.

9. The Petitioner presents and files herewith a check in the amount of \$400 for the filing fee, as required by law.

WHEREFORE, the Defendant, Wal-Mart Stores East, LP, respectfully request to remove this action from the Circuit Court for Charles County, Maryland to the United States District Court for the District of Maryland.

Respectfully submitted,

DeCARO, DORAN, SICILIANO,
GALLAGHER & DeBLASIS, LLP

By:



Matthew J. Gannett #07181
17251 Melford Boulevard, Suite 200
Bowie, Maryland 20715
Tel: 301/352-4950
Fax: 301/352-8691
Email: mgannett@decarodoran.com

***Counsel for Defendants,
Wal-Mart Stores East, LP,
and Andre Grigsby***

DeCARO, DORAN,
SICILIANO, GALLAGHER,
& DeBLASIS, LLP


17251 MELFORD BLVD.
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BOWIE, MARYLAND 20715
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2020, a copy of the foregoing Petition for Removal was served via first class mail, postage prepaid, to:

Jeffrey M. Groce, Esquire
Robbert R. Castro, Esquire
CASTRO LAW GROUP
2670 Crain Highway, Suite 411
Waldorf, Maryland 20601
Counsel for Plaintiff


Matthew J. Gannett #07181

DeCARO, DORAN,
SICILIANO, GALLAGHER,
& DeBLASIS, LLP

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